

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES PATRICK DUNGAN, et. al.,

Plaintiffs,

v.

COUNTY OF SHASTA, et al.,

Defendants.

No. 2:24-cv-02394-DAD-DMC (PS)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING
DEFENDANTS' MOTION TO DISMISS,
GRANTING PLAINTIFF'S MOTION TO
FILE ELECTRONICALLY, AND DENYING
PLAINTIFF'S REMAINING MOTIONS AS
MOOT

(Doc. Nos. 15, 21, 25, 45, 46, 47)

Plaintiffs James Dungan and Lacey Dungan are proceeding *pro se* in this civil rights action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 11, 2025, the assigned magistrate judge issued findings and recommendations recommending that: (1) plaintiffs' motion to electronically file documents in this case (Doc. No. 15), be granted; (2) defendants' motion to dismiss (Doc. No. 21) be granted without leave to amend as to plaintiffs' claim for violation of their Fifth Amendment rights and conspiracy claim brought pursuant to 42 U.S.C. § 1985; (3) defendants' motion to dismiss (*Id.*) be granted with leave to amend as to plaintiffs' remaining claims alleging violation of their rights under the Due Process Clause, First Amendment, Fourth Amendment, and as to their failure to prevent

1 misconduct claim and that such leave to amend extend to permitting plaintiffs to add a new
2 defendant; and (4) that plaintiffs' motion to amend complaint (Doc. No. 25), motion to
3 supplement the record (Doc. No. 45), and motion to strike (Doc. No. 46) be denied as having
4 been rendered moot. (Doc. No. 47.)

5 The pending findings and recommendations were served on the parties and contained
6 notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at
7 16.) To date, no objections to the findings and recommendations have been filed, and the time in
8 which to do so has now passed.

9 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
10 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
11 findings and recommendations are supported by the record and by proper analysis.

12 For the reasons explained above:

- 13 1. The findings and recommendations issued April 11, 2025 (Doc. No. 47), are
14 adopted in full;
- 15 2. Plaintiffs' motion to electronically file (Doc. No. 15), is GRANTED;
- 16 3. Defendants' motion to dismiss (Doc. No. 21), is GRANTED without leave to
17 amend as to plaintiffs' Fifth Amendment claim and § 1985 claim;
- 18 4. Defendants' motion to dismiss (Doc. No. 21), is GRANTED with leave to amend
19 as to plaintiffs' remaining claims (Due Process, First Amendment, Fourth
20 Amendment, and Failure to Prevent Misconduct) and such leave to amend extends
21 to the adding of a new defendant;
- 22 5. Plaintiffs are directed to file their amended complaint within 30 days of the date of
23 this order;
- 24 6. Plaintiffs' motion to amend complaint (Doc. No. 25), motion to supplement the
25 record (Doc. No. 45), and motion to strike (Doc. No. 46), are DENIED as having
26 been rendered moot; and

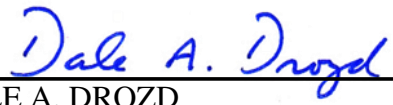
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1 7. This matter is referred back to the assigned magistrate judge for further
2 proceedings.

3 IT IS SO ORDERED.

4 Dated: August 15, 2025



DALE A. DROZD
UNITED STATES DISTRICT JUDGE